

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 10, 2001**

UNAPPROVED DRAFT
Completed 12/28/01

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At Large
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Kelso informed the Commission that the study to review the possibility of cash proffers had been completed by Tischler Associates and that a representative of that firm would be making a presentation before the Board of Supervisors' Development Process Committee in Room 232 on Monday, October 22, 2001 at 8:00 a.m. He added that Department of Planning and Zoning staff would also provide input on the subject and that a question and answer session would follow those presentations.

Commissioner Alcorn announced that a Tischler representative would also be attending the Planning Commission's Development Criteria Review Committee meeting on Thursday, October 25, 2001 at 6:30 p.m. to answer questions about the study.

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ZONING ORDINANCE AMENDMENT (Home Child Care Facilities) (Decision Only)

(The public hearing on this item was held on September 19, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT RELATED TO HOME CHILD CARE FACILITIES AS SHOWN IN THE STAFF REPORT DATED AUGUST 6, 2001.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Wilson reminded the Commission that the workshop on Out-of-Turn Plan Amendment S99-CW-2TR for the Trails Plan would be held at 7:30 p.m. on Wednesday, November 14, 2001. She added that the public hearing on this item was now scheduled for Wednesday, January 16, 2002.

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FS-Y01-47 - SPRINT PCS - 15125 Braddock Road

Commissioner Koch MOVED THAT WE CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATION FACILITY PROPOSED BY SPRINT PCS AT THE DOMINION VIRGINIA POWER POLE, LOCATED AT 15125 BRADDOCK ROAD, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Kelso abstaining.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. FDPA-1999-HM-011 - VAN METRE WOODLAND PARK APARTMENTS I & II, LP
2. RZ/FDP-2001-MV-018 - D. R. HORTON, INC.
3. RZ-2001-SU-016 - STARWOOD CERUZZI II, LLC
RZ-2001-SU-015 - STARWOOD CERUZZI II, LLC
PCA-95-Y-016-2 - STARWOOD CERUZZI II, LLC
SEA-95-Y-024 - STARWOOD CERUZZI II, LLC

This order was accepted without objection.

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FDPA-1999-HM-011 - VAN METRE WOODLAND PARK
APARTMENTS I & II, LP. - Appl. to amend the final development plan for RZ-1999-HM-011 to permit residential development at a density of 23.2 du/ac including bonus density for the provision of ADUs on property located on the S. side of Sunrise Valley Dr., approx. 600 ft. W. of its intersection w/Monroe St. on approx. 32.31 ac. zoned PDH-30. Tax Map 16-3 ((1))25D1, 25D2 & 16-4((1))32B. HUNTER MILL DISTRICT. PUBLIC HEARING.

Ms. Elizabeth Baker, a planner with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed the affidavit dated September 5, 2001. There were no disclosures by Commission members.

Mr. Francis Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to questions from Commissioner Palatiello, Mr. Burnszynski confirmed that this application was the result of the applicant exercising an option approved with the original rezoning that allowed the provision of additional multi-family units in lieu of a child care center or leasing office or recreation center. He added that recreation facilities, including a swimming pool, were provided elsewhere on the subject property.

In response to additional questions from Commissioner Palatiello, Mr. Burnszynski also confirmed that the previously approved interparcel access to the former Greg Roy subdivision, now called Great Oaks, would be provided by the applicant as outlined in Proffer 4.

In response to questions from Commissioner Alcorn, Mr. Burnszynski explained that the previously approved use had not been a factor at the time of rezoning in determining the applicant's conformance to the residential density criteria.

Ms. Baker noted that there was a more centrally located child care center in a nearby development that better served the needs of the community and that there was insufficient market for two such facilities. She added that the applicant was proposing 14 residential units and that, as pointed out by Mr. Burnszynski, recreation facilities had already been provided on site.

In response to questions from Commissioner Harsel, Ms. Baker confirmed that the applicant had met its previously proffered obligation to provide a minimum of \$955 per unit for recreation.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-1999-HM-011, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 9, 2001.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE A WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS, OR REAFFIRM THEIR APPROVAL OF SUCH WAIVER.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN PERIMETER OF THE SITE IN FAVOR OF THAT SHOWN ON THE FDPA AND AS PREVIOUSLY STIPULATED IN THE ACCEPTANCE OF PROFFERS DATED JULY 27, 1999.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHERN PROPERTY BOUNDARY ADJACENT TO FOX MILL ROAD ON THE FDPA AND AS FURTHER CONDITIONED IN THE DEVELOPMENT CONDITIONS.

Commissioner Byers seconded the motion which carried unanimously.

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RZ/FDP-2001-MV-018 - D. R. HORTON, INC. - Appls. to rezone from R-1 & HD to PDH-5 & HD to permit residential developmental at a density of 4.76 du/ac & approval of the conceptual & final development plans and a modification of the minimum open space requirement on property located on the E. side of Telegraph Rd., approx. 800 ft. N. of its intersection w/Richmond Hwy. on approx. 5.88 ac. Comp. Plan Rec: 5-8 du/ac. Tax Map 108-1((1))17&18. MT. VERNON DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed the affidavit dated September 5, 2001. There were no disclosures by Commission members.

Ms. Cathy Belgin, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to questions from Commissioner Byers, Ms. Belgin explained that improvements to Telegraph Road had already been completed in this area and therefore the existing sidewalk was not affected. She added that the trails staff had indicated their intention to investigate further whether the existing sidewalk would meet the trails requirement and defer their recommendation until a subdivision plan was reviewed.

Mr. Martin explained that the applicant was requesting 28 single family detached homes on 5.88 acres with a resulting density of 4.76 dwelling units per acre (du/ac), which was below the density range of 5 to 8 du/ac recommended in the Comprehensive Plan. He added that the lots would be accessed from a public street connecting to Telegraph Road and listed the following features of the development plan:

- in excess of 35 percent open space;
- 18-foot driveways for all units;
- a landscaped island on the public street;
- tree save in the northeast, southwest, and southeast corners of the site;
- a holly tree transplant area in the middle of the site;
- a landscaped berm along Telegraph Road to help ameliorate traffic noise;
- a minimum 6-foot fence behind lots adjacent to Telegraph Road; and
- a tot lot and future playing field.

Mr. Martin noted that all transportation and environmental issues had been satisfactorily resolved and that the project was supported by the Lorton Federation and the Mount Vernon Council.

In response to questions from Commissioner Alcorn, Mr. Martin confirmed that the applicant was proffering contributions for recreation and school, but that a contribution to the Housing Trust Fund was not applicable inasmuch as the requested density was below the recommended Plan range.

In response to questions from Commissioner Wilson, Mr. Martin explained that the note on the development plan reserving the applicant's right to build a lesser number of units than shown on the plan was necessary because final engineering could require a reduction of lots. He further explained why fences were necessary in the rear of those lots whose back yards were adjacent to Telegraph Road.

In response to questions from Commissioner Smyth, Mr. Martin confirmed that, while most side yards would be larger, there would be a minimum 3-foot side yard on each lot and that chimneys and/or bay windows could be added on those sides. He added that this was not an uncommon arrangement in Fairfax County.

In response to questions from Commissioner Hall, Mr. Martin stated that chimneys and bay windows were excluded from setback requirements and therefore could be added to the sides of houses where there was only a 3-foot side yard.

Commissioner Hall commented on the problems she had encountered with a similar situation in Mason District in the Seven Oaks Subdivision and Ms. Kristen Abrahamson, Division Chief, ZED, DPZ, explained that the encroachment in the Seven Oaks case was due to a proffered buffer area, not a side yard required by the Zoning Ordinance which did allow some intrusions into the side yard. To clarify this situation, Commissioner Byers noted that Note 21 on the development plan said: "Minor modifications to the sizes, dimensions, footprints and locations of parking and buildings, etc., may be made as long as the modifications shall not reduce perimeter setback from the property line." He added that Note 22 indicated that: "Decks, patios, chimneys, stairs and stoops may be optional on each dwelling, but these modifications must comply with Note 21." Mr. Martin commented that the majority of the homes would have room to install a chimney or other protrusion from the side of the home without affecting the 3-foot minimum, but that in a few instances it would not be possible. Ms. Belgin clarified that Note 21 referred to the overall subject property lines, not individual home property lines. Ms. Abrahamson concurred.

In response to questions from Commissioner Wilson, Ms. Abrahamson said that it was her understanding that Note 21 did not accomplish Commissioner Byers' intent, but that staff could revise the language to do so. Mr. Martin noted that his client did not object to such clarification.

In response to questions from Commissioner Byers, Ms. Belgin concurred with a revision to the motion regarding a fence along Telegraph Road to read as follows: "that the Planning Commission recommend approval of a variance to permit a maximum eight-foot high fence to be located in those yards adjacent to Telegraph Road."

Chairman Murphy called for speakers from the audience. (He did not recite the rules.)

Mr. Linwood Gorham, 6036 Chapman Road, Lorton, representing the Federation of Lorton Communities, spoke in support of the application. He noted that the Federation had discussed the side yard issue and did not object to the minimum three feet.

There being no further speakers, Chairman Murphy noted that no rebuttal was necessary. There were no further comments or questions from the Commission or closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE RZ-2001-MV-018 AND THE CONCEPTUAL DEVELOPMENT PLAN, REVISED OCTOBER 9, 2001, SUBJECT TO THE PROFFERS DATED OCTOBER 4, 2001.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Harsel not present for the vote.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE A MODIFICATION OF THE OPEN SPACE REQUIREMENT TO PERMIT A REDUCTION IN THE REQUIRED OPEN SPACE TO 33 PERCENT UNTIL SUCH TIME AS THE PUBLIC STREET CONNECTION TO TELEGRAPH ROAD IS REMOVED.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Harsel not present for the vote.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE A VARIANCE TO PERMIT A MAXIMUM EIGHT-FOOT HIGH FENCE TO BE LOCATED IN THOSE YARDS ADJACENT TO TELEGRAPH ROAD PURSUANT TO SECTION 16-401 OF THE ZONING ORDINANCE.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Harsel not present for the vote.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2001-MV-018, SUBJECT TO THE CONDITIONS SET FORTH IN APPENDIX 2 OF THE STAFF REPORT AND THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Harsel not present for the vote.

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RZ-2001-SU-016 - STARWOOD CERUZZI II, LLC - Appl. to rezone from C-8 & WS to I-5 & WS to permit industrial development w/an overall FAR of 0.09 on property located on the S. side of Penrose Place at its E. terminus on approx. 1.38 ac. Comp. Plan Rec: Mixed use. Tax Map 34-3 ((1))33 pt. & 33A pt. (Concurrent w/RZ-2001-SU-015, PCA-95-Y-016-2 & SEA-95-Y-024.) SULLY DISTRICT. PUBLIC HEARING.

RZ-2001-SU-015 - STARWOOD CERUZZI II, LLC - Appl. to rezone from I-3, I-5 & WS to C-8 & WS to permit shopping center development w/an overall FAR of .70, waiver of the open space requirement & an increase in permitted FAR on property. located on the N. side of Penrose Place, approx. 900 ft. E. of its intersection w/Lee Rd. on approx. 2.26 ac.

RZ-2001-SU-016 - STARWOOD CERUZZI II, LLC
RZ-2001-SU-015 - STARWOOD CERUZZI II, LLC
PCA-95-Y-016-2 - STARWOOD CERUZZI II, LLC
SEA-95-Y-024 - STARWOOD CERUZZI II, LLC

October 10, 2001

of land. Comp. Plan Rec: Mixed use. Tax Map 34-3((1))27-29.
(Concurrent w/RZ-2001-SU-016, PCA-95-Y-016-2 & SEA-95-Y-024.)
SULLY DISTRICT.

PCA-95-Y-016-2 - STARWOOD CERUZZI II, LLC - Appl. to amend
the proffers for RZ-95-Y-016 to delete land area & to permit a shopping
center w/an overall FAR of 0.16 on property located in the N.E. quadrant
of the intersect. of Lee Rd. & Penrose Place on approx. 55.38 ac. zoned
C-8, HC & WS. Comp. Plan Rec: Mixed use. Tax Map 34-3((1))7B pt.,
7C, 7D pt., 19 pt., 26, 33 & 33A. (Concurrent w/RZ-2001-SU-015,
RZ-2001-SU-016 & SEA-95-Y-024.) SULLY DISTRICT.

SEA-95-Y-024 - STARWOOD CERUZZI II, LLC - Appl. under Sects.
4-804, 9-607 & 9-620 of the Zoning Ord. to amend SE-95-Y-024
previously approved for an increase in bldg. height & a waiver of certain
sign regulations to permit automobile oriented uses, including service
station, quick service food store, car wash, fast food restaurants, eating
establishments, drive-in banks & change in land area on property located
in the N.E. quadrant of the intersection of Lee Rd. & Penrose Place on
approx. 56.29 ac. zoned C-8, WS & HC. Tax Map 34-3((1))7B pt., 7C,
7D pt., 19 pt., 26-29, 33 pt. & 33A pt. (Concurrent w/RZ-2001-SU-015,
RZ-2001-SU-016 & PCA-95-Y-016-2.) SULLY DISTRICT. JOINT
PUBLIC HEARING.

Ms. Elizabeth Baker, a planner with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed
the affidavit dated August 16, 2001.

In response to questions from Chairman Byers, Ms. Jan Brodie, Assistant County Attorney,
said that the affidavit submitted by the applicant complied with the recently revised regulations
regarding affidavit preparation and submission.

Commissioner Palatiello disclosed a financial relationship with one of the principals of this
application and therefore recused himself from the public hearing and left the room.

Commissioner Koch announced his intention to defer the decision on this application until
October 24, 2001.

Ms. Kristen Abrahamson, Division Chief, Zoning Evaluation Division, Department of Planning
and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff
recommended approval of the application.

RZ-2001-SU-016 - STARWOOD CERUZZI II, LLC
RZ-2001-SU-015 - STARWOOD CERUZZI II, LLC
PCA-95-Y-016-2 - STARWOOD CERUZZI II, LLC
SEA-95-Y-024 - STARWOOD CERUZZI II, LLC

October 10, 2001

Ms. Baker presented a brief land use history of the subject property. She explained that the applicant had been successful in obtaining the three lots that were not consolidated as part of the original rezoning and now wished to redesign the southern portion of the development to incorporate those lots. She noted that the current automobile impoundment business on the subject property would be relocated to the south side of Penrose Place closer to other industrial uses in the area. Ms. Baker stated that the points of access and previous proffer commitments regarding road improvements were unchanged. She pointed out that the new design represented a slight reduction in the floor area ratio (FAR) and was in accord with the recommendations of the Comprehensive Plan. She stated that new proffers and development conditions included dedication of land to the Park Authority, additional landscaping, shielded lighting and, at the request of the Western Fairfax County Citizens Association (WFCCA), a lower sign. Ms. Baker noted that there were no residential uses in the area.

In response to questions from Commissioner Koch, Ms. Baker said she would be happy to meet with himself and John McBride, Esquire, representing an adjacent property owner, to discuss Mr. McBride's concerns.

Ms. Baker responded to questions from Commissioner Alcorn regarding the parking lot lighting.

Chairman Murphy called the only listed speaker and briefly recited the rules for public testimony.

Mr. Jim Katcham, representing the WFCCA, P. O. Box 357, Centreville, spoke in support of the applications, with the following conditions:

- a free-standing sign not to exceed 12 feet;
- no neon building-mounted signs; and
- no sale of alcoholic beverages at the proposed service station.

(A copy of the WFCCA's letter is in the date file.)

In response to questions from Commissioner Koch, Mr. Katcham confirmed that the applicant had agreed to come to the next WFCCA meeting with a revised rendering of the proposed sign.

There being no further speakers, Chairman Murphy called upon Ms. Baker for a rebuttal statement.

Ms. Baker declined, but responded to questions from Commissioner Smyth about planned road improvements and access to the site.

RZ-2001-SU-016 - STARWOOD CERUZZI II, LLC
RZ-2001-SU-015 - STARWOOD CERUZZI II, LLC
PCA-95-Y-016-2 - STARWOOD CERUZZI II, LLC
SEA-95-Y-024 - STARWOOD CERUZZI II, LLC

October 10, 2001

Ms. Abrahamson had no closing staff comments, therefore Chairman Murphy closed the public hearing and recognized Commissioner Koch for a deferral motion. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT WE DEFER DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENTS, ON RZ-2001-SU-016, RZ-2001-SU-015, PCA-95-Y-016-2, AND SEA-95-Y-024 UNTIL OCTOBER 24, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote.

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The meeting was adjourned at 9:43 p.m.
Peter F. Murphy, Jr. Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on:

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission